

United States District Court  
Southern District of Texas

**ENTERED**

July 31, 2023

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
LAREDO DIVISION**

**FRANKLIN SHANE SIMMS,**

**Petitioner,**

**VS.**

**US CUSTOMS & BORDER PROTECTION,** §  
*et al.,* §

## Defendants.

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**CIVIL ACTION NO. 5:22-CV-00085**

## ORDER

Pending is the Magistrate Judge's Amended Report and Recommendation (Dkt. 3) recommending that *pro se* Plaintiff Franklin Simms' Petition for Writ of Habeas Corpus (Dkt. 1), construed as a civil rights complaint, be dismissed as frivolous and malicious. *See* (Dkt. 3.) The Parties have been duly noticed regarding the filing of objections, and the applicable 14-day timeframe for the filing of objections has now lapsed. Noting that no objections have been filed, and having now reviewed the matter as provided by 28 U.S.C. § 636, the Court concludes that the Report and Recommendation should be and is hereby ACCEPTED. Thus, Plaintiff's Petition for Writ of Habeas Corpus (Dkt. 1) is DISMISSED with prejudice.

IT IS SO ORDERED.

SIGNED this July 31, 2023.

*Handwritten signature: D. Mull-*

Diana Saldaña  
United States District Judge

